

## **Juvenile Court Standing Order 1-23**

### **Access to Records and the Role of the Judge in Family Treatment Court**

**1. Applicability:** This standing order applies to any Family Treatment Court (FTC) held within a division of the Juvenile Court Department including but not limited to FTCs established under the Juvenile Court's **PATHS** program.

**2. Definitions:**

"Family Treatment Court" is a type of specialty court that focuses on issues of parental abuse and neglect raised through the filing of a care and protection in the Juvenile Court by treating the parents' underlying substance use disorder through a collaborative approach that involves the Juvenile Court, the Massachusetts Probation Service, the Department of Children and Families, substance use treatment providers and the attorneys involved in the care and protection.

"FTC Records" are all documents filed in the FTC case including but not limited to the initial intake, assessment, agreement to participate, release of information forms, results of any drug screens/tests and judicial orders.

"**PATHS** (Prevention and Treatment for Health and Stability of Children and Families)" is a state-wide FTC developed by the Juvenile Court to assist families where an individual's substance use is the central factor in their involvement with the Juvenile Court. The goal is to ensure the safety, stability and timely permanency for children while promoting health and wellness for families. **PATHS** is guided by the Juvenile Court's *Pathways* model of differentiated case management and resources from the *Upstream* Child Welfare Resource Mapping initiative.

**3. FTC Records:** All records belonging to any Juvenile Court FTC are confidential and protected by the provisions of G.L. c. 119, § 38, **Juvenile Court Standing Order 1-84: Juvenile Court Case Records and Reports**, and **Trial Court Rule VIII: Uniform Rules on Impoundment Procedure**.

The *Participation Order* and the *Order Following Participation in the Family Treatment Court* shall be admissible in the care and protection proceeding involving the family.

Any initial intake, assessment, notes, and written summaries of FTC team meetings or staffings shall not be admissible in the care and protection proceeding involving the family.

All other FTC records may be admissible in the care and protection proceeding as allowed according to the rules of evidence and established caselaw.

Any participant in the FTC may consent to the release of their FTC records in the care and protection in which they are a party. The consent shall be in writing and specify the records that the participant is consenting to release.

FTC records are accessible only to the FTC team in the course of their work in the FTC.

**4. Role of the Judge:** The Juvenile Court judge assigned to the care and protection matter may also preside over the FTC. The care and protection will continue concurrently with the FTC and in accordance with the provisions of G.L. c. 119 related to care and protections, ***Juvenile Court Rules For the Care and Protection of Children, Trial Court Rule VI: Uniform Rules for Permanency Hearings*** and ***Juvenile Court Standing Order 2-18: Time Standards***.

The communications of the judge as a member of the FTC team are protected by ***Joint Standing Order 1-16: Authority of the Judge with Respect to Communication with Specialty Court Teams***.

If a participant voluntarily withdraws or is discharged from the FTC or any other party to the care and protection withdraws from the FTC, the FTC will end, and the care and protection case will continue accordingly. If the same judge presided over the FTC and the care and protection, that judge shall not continue to preside over the care and protection. The care and protection shall be reassigned to another Juvenile Court judge.

**5. Court Investigator, Guardians Ad Litem and CASAs,:** Any court investigator, guardian ad litem or CASA appointed in the care and protection case shall only receive information about whether the parties are participating in the FTC, that the participation is ongoing and when the participation in the FTC ends, either by graduation, voluntary withdrawal or discharge.

Date: February 17, 2023

/s/ Amy L. Nechtem

Effective Date: March 20, 2023

Amy L. Nechtem

Chief Justice of the Juvenile Court